## UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

| D-COL, INC.,            | § |                       |
|-------------------------|---|-----------------------|
| PATRICK STOLMEIER,      | § |                       |
| JONATHAN STOLMEIER,     | § |                       |
|                         | § |                       |
| Plaintiffs,             | § |                       |
| <b>v.</b>               | § | CIVIL ACTION NO.      |
|                         | § |                       |
| TERRY L. YOUNG,         | § | SA-09-CV-0423 OG (NN) |
| JAMES ESPINOZA,         | § |                       |
| SUPERIOR REHABILITATION | § |                       |
| TECHNOLOGY,             | § |                       |
|                         | § |                       |
| Defendants.             | § |                       |

## **ORDER DENYING MOTION FOR LEAVE (DOCKET ENTRY #11)**

The matter before the Court is plaintiffs' motion for leave to file a motion under seal (docket entry 11). The motion which plaintiffs ask leave to file is a motion to strike or, in the alternative, for leave to file a reply to the response to the motion to remand which exceeds the 5 page briefing limit. Also before the Court are defendants' responses to the motion to file a sealed document, as well as to the proposed motion to strike and to file the lengthy reply (docket entries 12 and 13).

Having considered the arguments of the parties, the relevant Local Rules, and the interests of justice, it is ORDERED that the motion for leave to file a sealed document is DENIED. The motion which plaintiffs ask be filed as a sealed document requests leave to file an 18 page reply to the response to a motion to remand. The Local Rules establish a 5 page limit for replies (10 pages for motions and responses). Plaintiffs have not justified their request to expand the briefing limit by 13 pages.

Nevertheless, in the interests of justice, the Court will allow an expanded page limit – 10 pages – for this reply. Plaintiffs are directed to submit a concise reply of no more than 10 pages –

along with a renewed motion for leave to file a sealed document – no later than July 14, 2009.

Additionally, to the extent that the proposed motion asks the Court to strike the response to the motion to remand, that motion would also be denied if before the Court. Deficiencies in the notice of removal will be considered in the context of the pending motion to remand and may be urged within the reply.

SIGNED on July 7, 2009.

NANCY STEIN NOWAK

UNITED STATES MAGISTRATE JUDGE

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